



Chapter 15

GARBAGE AND REFUSE

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CHAPTER 15

GARBAGE AND REFUSE

Section 15-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning herein ascribed to them:

"Approved type garbage can" as used herein, shall mean a receptacle furnished by the City of Temple.

"Business" as used herein, shall mean any commercial operation, or any usage of property for other than residential purposes, involving the employment of any individual, or the sale or manufacture of any product.

"Collection Cycle" as used herein, shall mean those days of the week or month that are specified by the City for the collection of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, junk and bulk items.

"Dry garbage" as used herein, shall mean nonputrescible solid waste (excluding ashes), consisting of both combustible and noncombustible waste materials; combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber (but not tires), plastics, yard trimmings, leaves and similar materials; noncombustible rubbish includes glass crockery, tin cans aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1600E-1800E Fahrenheit).

"Out of Cycle Collection" as used herein, shall mean the collection by the City of household garbage, brush, shrubs, tree trimmings, yard waste, furniture, appliances, junk and bulk items on any day other than the specified collection cycle days.

"Small Quantity Commercial Solid Waste Generator" as used herein, shall mean a place of business that generates a volume of non-wet garbage that will not require over two (2) pickups per week of a one-half (2) cubic yard container (an example would be a small barber shop, small fix-it shop, or small business), as determined by the Solid Waste Division.

"Special Pickup" as used herein, shall mean the out of cycle collection of solid waste by the City at the request of the customer and, for which, a fee is assessed.

"Wet (putrescible) garbage" as used herein, shall be held and construed to mean animal or vegetable matter, such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels, rooming and boarding houses, such as scraps of meat, bread, bones, peelings of fruit and vegetables.

Section 15-2. Containers Required--For Wet Garbage.

- (a) Each owner, occupant, tenant or lessee using and occupying any residence, building, house or structure within the corporate limits of the City as a place of abode or as a place of business is hereby required to keep and maintain, at all times and at a convenient place at his house, dwelling or place of business, if his business is of a type which accumulates wet garbage in connection with the operation of same, adequate disposable garbage containers in sufficient numbers to properly receive and hold all wet garbage being disposed of from his premises. Each such garbage container shall be made of plastic or other disposable material and of good sound construction and shall be capable of being secured from leaking and be flytight.

- (b) In areas of the City served by City furnished containers, the disposable containers for wet garbage will be placed, unbroken, into the containers.

Section 15-3. Same--For Dry Garbage.

- (a) Each owner, occupant, tenant or lessee using and occupying any residence, building, house or structure in the City is hereby required to keep and maintain at his house or dwelling and at his place of business, if the business is of such a character that dry garbage is accumulated, garbage containers in sufficient numbers for the depositing and keeping of dry garbage. Such containers are in addition to those required in Section 15-2.
- (b) The containers provided by the City will serve to comply with the provisions of this section.

Section 15-4. Wet Garbage to be Placed in Proper Container.

Each person in the City having wet garbage to be disposed of is hereby required to place the same in a garbage container meeting the requirements of Section 15-2, and all wet garbage shall at all times be stored in such a container. It is hereby declared to be unlawful for any person to place any wet garbage on the ground or in an open box or container or to store same in any receptacle other than a container meeting the requirements of Section 15-2.

Section 15-5. All Containers to be Kept Covered.

The lids of garbage containers required by this Chapter shall at all times be closed, so that flies and other insects may not have access to the contents thereof. Lids shall only be opened while emptying additional garbage in such containers or while an authorized person is removing such garbage or unloading the same for disposal.

Section 15-6. Rocks and Dirt not to be Placed in Containers.

No rocks or dirt shall be placed in any containers maintained in accord with this Chapter.

Section 15-7. Disposal of Manure, Offal, Remodeling Material and Other Waste Not Collected by City.

Manure from private stables, offal and refuse from animals and fowl, night soil, dead animals and fowl, refuse from the remodeling of buildings, rocks, dirt, concrete and all other waste not mentioned in Section 15-1 must be kept in a suitable receptacle separate from the containers required by this Chapter for garbage and not dumped in the alleys or retained on the premises so as to become a nuisance, and the same shall be disposed of by the owner thereof. It shall be the duty of the Superintendent of Solid Waste Services to see that such refuse is properly disposed of by the owner when so ordered. Such refuse shall be hauled away from the premises of the owner at his own expense and by his own means; and such refuse shall not be considered "garbage" and shall not be picked up by the garbage trucks of the City.

Section 15-8. Unauthorized Usage of City Furnished Containers.

Any person or persons, firm or corporation, which places or causes to be placed garbage or refuse in a container not specifically assigned to that person, firm or corporation shall be guilty of a misdemeanor.

Section 15-9. Preparation of Brush, Shrubs, Tree Trimmings and Cuttings for Collection by City.

- (a) Items placed within eight (8) feet of the curb line of the street shall be considered a request for service.
- (b) All leaves and lawn cuttings, tree trimmings and cuttings shall be placed in the City furnished containers insofar as is possible and the container's capacity will allow.
- (c) All other brush, shrubs and tree cuttings that cannot be effectively disposed of in the container shall be placed behind the curb within three (3) feet of the curb line of the street. Items cannot be placed under any low lines or wires or tree limbs and must be at least 6 feet from any other object (mail box, car, garbage containers, etc.).
- (d) Brush and tree trimmings shall be placed in a separate pile from any bagged or boxed items or bulky items. Mixed brush and bulk at the curb will constitute a special pickup and a special pickup fee will be assessed.
- (e) A special pickup may be requested and/or required for out of cycle brush/bulk collection or to pickup items that are not normally collected with this service (remodeling, demolition or building materials or when there is no water service at location). Setting out an item on a "non-cycle" day will constitute a request for service and special pickup charges shall apply. Special pickup charges are set by resolution of the City Council.
- (f) Private (professional/commercial) tree trimmers must register their business with the City and will be required to haul their cuttings to the landfill or other site designated by the Superintendent of Solid Waste Services.
- (g) Homeowners are encouraged to practice backyard composting and the *Don't Bag It Programs* for grass clippings, leaves and vegetation.
- (h) Utility companies franchised by the City in easements or right-of-way accepted by the City or otherwise authorized to provide utility service are exempted from the provisions of this ordinance for the purposes of trimming/removing trees for routine maintenance or emergency conditions that endanger public safety and welfare by interfering with utility service or during the course of reestablishing utility service. Franchised utilities will coordinate routine maintenance and emergency operations with the Solid Waste Director. Utilities will not be charged for disposal of routine maintenance brush or emergency response brush.

Section 15-10. Collection by City Generally; Private Collection of Brush, Etc.

The collection of garbage in the City shall be a part of the duties of the Solid Waste Division, the employees of which shall make periodic garbage pickups throughout the City from the garbage containers provided by the City as required by this Chapter. It shall be unlawful for any person, firm or corporation other than employees of the Solid Waste Division to collect garbage or refuse in the City without having first obtained written authority, by

contract, from the City. Such contract shall provide the extent of collection and other authority to such person, firm or corporation as the City may deem appropriate. All rates of collection shall be regulated by the City Council by resolution. The private collection of brush, shrubs, leaves, grass and tree trimmings and cuttings for hire or otherwise shall be allowed, notwithstanding the provisions of this section. Private (professional/commercial) tree trimmers must register their business with the City and will be required to haul their cuttings to the landfill or other site designated by the Superintendent of Solid Waste Services.

Section 15-11. Placement of Containers for Collection.

The owner, occupant or lessee of any premises within the corporate limits of Temple shall maintain the garbage containers as outlined in this section:

- (1) The City will, in selected locations as determined by the Superintendent of Solid Waste Services and approved by the Director of Public Works, place containers of varying capacity for the collection of garbage. Each person, firm or corporation shall be notified by the Superintendent of Solid Waste Services of the container location assigned to that person, firm or corporation. The use of other containers except by permission of the Solid Waste Division is not permitted.

The criteria for placement of containers will be as follows:

- (a) Containers will be placed in the alleys in the central area to serve all business activities.
 - (b) Additional containers will be placed in the alleys serving residential accounts to the extent that they can economically be serviced.
- (2) City-furnished containers in alleys shall conform to the following requirements:
 - (a) The Superintendent of Solid Waste Services shall place the appropriate sized containers in such a manner that they will serve three (3) or more residential accounts.
 - (b) The allocation of containers for commercial activities will be on a volume-needed basis. Where there are a number of small volume businesses contiguously located, the Superintendent of Solid Waste Services shall place an appropriate sized container to serve these commercial accounts. Where the volume of garbage from any commercial account is sufficient to justify a separate container for that establishment, the Superintendent of Solid Waste Services shall so place a container at that location.
- (3) Where there is not an open alley abutting the rear property line of any premises, the occupant shall place the garbage containers for collection within three (3) feet of the curb line of the street immediately abutting the front property line of the premises, or, in the event the premises is a corner lot the containers shall, upon request of the Superintendent of Solid Waste Services, be placed within three (3) feet of the curb line of the side street. Provided, however, no commercial containers shall be allowed on the street right-of-way. In the event the geography of any lot such as slope, etc., prevents garbage containers from being placed as hereinabove provided, the Superintendent of Solid Waste Services may allow said garbage to be placed for collection at a convenient location of said lot. All garbage containers must be removed from curb side by 8:00 p.m. on scheduled garbage collection days.

- (4) Notwithstanding conflicting provisions herein, apartment projects and mobile home parks may place garbage containers at a designated location within the project or mobile home park for collection. The location shall be subject to the approval of the Superintendent of Solid Waste Services.

Section 15-12. Collection Charges.

Collection charges for solid waste services shall be set by Resolution of the City Council of the City of Temple, Texas.

Section 15-13. Billing; Failure to Pay.

The charges fixed in this chapter for the removal and disposal of garbage and dumping of garbage at the sanitary landfill shall be entered as a charge against each owner, occupant or lessee on the Water and Wastewater bills of the City. Should any person fail or refuse to pay the charges fixed against him and his place of abode or his place of business when due, the City shall be authorized to cut off and disconnect the water and wastewater services to his place of abode or business against which such garbage pickup fees have been fixed and assessed, and, in addition thereto, shall be authorized to discontinue garbage pickup services until such fees have been paid in full.

Section 15-14. No Credit for Vacancy of Premises.

No credit will be given on the garbage collection charges fixed by this chapter to any owner, occupant or lessee of any residence or place of business for vacancy thereof, unless the City is notified by such person and such person requests the City to disconnect or stop water, wastewater and garbage service to such premises.

Section 15-15. Junk and Bulk Items.

The Solid Waste Division will collect from residential customers old furniture, appliances, junk, and bulk items placed at the curb on regular brush/bulk collection schedule.

- (a) Small items shall be placed in the City furnished container insofar as is possible and the container's capacity will allow.
- (b) Items that cannot be effectively disposed of in the City container shall be placed behind the street curb within eight (8) feet of the curb line of the street. Items should not be placed under any low wires or limbs and shall be placed at least six feet from any other objects (mailboxes, cars, garbage containers, etc.). Items placed in violation of this provision shall constitute a request for service.
- (c) Bagged, boxed or bulky items, furniture and appliances shall be placed in a separate pile from brush and tree trimmings as they are handled separately. Mixed bulk items with brush and tree trimmings will constitute a special pickup for which a fee will be assessed.
- (d) A special pickup may be requested and/or required for out of cycle collection or collection of items that are not normally collected with this service (remodeling,

demolition or building materials or when there is no water service at the location). Items set out on non-collection days will constitute a request for service for which a special pickup charge will be assessed. Special pickup charges are set by resolution of the City Council.

Section 15-16. Streets and Alleys not to be Used for Storage.

It shall be unlawful for any person to place, store or abandon garbage, lumber, junk, refuse, furniture, appliances, leaves or brush within any alley or upon any street within the city limits of Temple, Texas.

Section 15-17. Salvaging Prohibited.

It shall be unlawful for any person(s) to salvage any items from any refuse container, alley container or curb side container within the corporate limits of the City of Temple.

Section 15-18. Inspections to Enforce Ordinance.

It is hereby made the duty of the Superintendent of Solid Waste Services to make regular inspection trips at stated intervals of four (4) weeks, or more often if needed, to determine whether garbage is being properly disposed of and to file a complaint against any person violating any provision of this chapter in order that such person may be prosecuted therefor.

Section 15-19. Hauling Garbage to Sanitary Landfill.

Should any person haul all or any part of his garbage to the sanitary landfill, he shall nevertheless be required to:

- (1) Pay garbage collection fees and dumping fees in accordance with the provisions of this chapter;
- (2) Dump his garbage at the sanitary landfill in accordance with and subject to the rules and regulations of the Solid Waste Division;
- (3) Dump his garbage in the area designated by the Solid Waste Division;
- (4) Prevent any garbage from falling onto any street, alley or thoroughfare in the City. All loads of loose material shall be covered, enclosed or secured in such a manner so as to prevent such material from blowing or falling upon public roadways en route. Persons bringing unsecured loads to the landfill will be subject to a five dollar (\$5.00) surcharge per load. Properly bagged trash will be considered to be covered.
- (5) All commercial, industrial or institutional haulers are required to prominently mark by painted sign or other easily recognizable method both doors of the passenger compartment of their vehicles with the name of their firm or institution, or in lieu of signs, require their drivers, upon arriving at the sanitary landfill scales, to immediately dismount and report to the scale operator the name of said firm or institution.

Section 15-20. Fees and Use of Sanitary Landfill.

(a) The City of Temple Landfill is operated by Waste Management of Texas, Inc., under a privatization agreement between the City of Temple and Waste Management. A copy of the privatization agreement, dated August 8, 1993, is on file in the Office of the City Secretary, and available for inspection by the public. Tipping or dumping fees for use of the Landfill are set by Waste Management subject to the terms and conditions of the agreement between the City and Waste Management. The agreement also authorizes Waste Management to charge additional handling charges for certain types of special waste.

(b) Residents of the City who present a paid City water bill, which includes a garbage collection charge, dated within sixty (60) days of the date of presentment, shall be entitled to dump without charge one (1) time each calendar month garbage normally collected by the City from residences. This section does not authorize free dumping of manure, offal, remodeling, demolition, or construction materials or other waste not collected by the City from its residential customers. City customers dumping with a paid water bill under this section are limited to loads not in excess of one pickup truck. Customers may request prior authorization from the City's Superintendent of Solid Waste Services to bring more than one load of garbage to the Landfill under this subsection. Without prior approval of the Superintendent of Solid Waste Services for dumping in excess of once per month, or for loads containing unauthorized solid waste, customers shall pay the current tipping charge. This subsection does not require Waste Management to accept for disposal any materials not authorized for disposal in a Type I landfill.

Section 15-21. Exemption from Residential Service Requirement.

Notwithstanding any other provision of this Chapter, the Superintendent of Solid Waste Services may grant exemptions in areas of the City zoned for agricultural use from the requirement in this Chapter that all residences within the City have garbage service. Residents may request an exemption in writing from the Superintendent of Solid Waste Services. The request signed by the owner of the property in question must demonstrate that the residence is adequately served by an alternate method of solid waste disposal that does not create a public nuisance or threaten public health and safety. The decision by the City Manager whether to

grant an exemption shall be final. The Superintendent of Solid Waste Services shall make regular inspections of any exempted residential property to ensure that a nuisance or threat to public health and safety is not being created.

Section 15-22. Collection of Solid Waste Outside the City.

The Superintendent of Solid Waste Services is authorized to collect solid waste from residential customers outside the City under the conditions contained in this section. The Superintendent of Solid Waste Services must receive a request for service, and the residence to be served must be located on or near a City solid waste collection route for City residents. The decision by the Superintendent of Solid Waste Services whether to provide service outside the City limits to residential customers shall be final. The charge for service outside the City limits shall be 1.25 times the in-City rate for the same service.

Section 15-23. Carry out service for residents.

City residents who for health reasons establish to the satisfaction of the Superintendent of Solid Waste Services that they are unable to physically place their container curbside for collection, and who live alone or have no one residing with them physically able to place the container curbside, are eligible for carry out service. The Superintendent may in appropriate circumstances require a statement from the resident=s personal physician verifying the need for carry out service. Collections for carry out service shall be limited to once per week on the second cycle of each week. The container for carry out service shall be placed near the front of the house, at a point visible from the street, and not more than fifty feet from the curb of the street. Containers for carry out collection shall not be placed inside fenced areas or a garage.

Section 15-24. Garbage only accounts.

Residential and commercial customers within the City not serviced by water or wastewater service shall be treated as Garbage Only customers. To arrange for such service, each customer shall provide necessary information to establish such account and pay a deposit at the Utility Business Office. Rates for Garbage Only services are set by Resolution of the City Council of the City of Temple, Texas. Garbage Only accounts are subject to the late payment, disconnection, forfeiture of deposit, returned check, and reconnect provisions pertaining to water and wastewater accounts under Sections 38-39 through 38-43 of the City Code.

Section 15-25. Rental Properties, evictions, move-outs.

In cases of rental properties, any charges for special pickups shall be billed to the owner of the property, the responsible party, or the responsible property management office.